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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
D5407-188

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Express Mail No. EV731347602US
on 08/03/2005

Signature Tracie Thigpen

Typed or printed name Tracie Thigpen

Application Number	Filed
10/648,955	08/27/2003

First Named Inventor: Bennett M. Richard

Art Unit	Examiner
3672	Giovanna M. Collins

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 42,851

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Gary R. Maze
Typed or printed name

713-402-3900
Telephone number

08/03/2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bennett M. Richard, et al	Examiner:	Giovanna M. Collins
Serial No:	10/648,955	Group Art Unit:	3672
Filing Date:	August 27, 2003	Attorney Docket No.:	D5407-188
Title:	Telescoping Centralizers for Expandable Tubulars		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Claims 1 and 14 were clearly erroneously rejected as anticipated by Campbell USP 6,112,818.

Claim 1 requires an initial delivery of the tubular into position followed by positioning it to create an annular space around it, after it has been delivered, and not during the time it is delivered. Yet despite that clear language, the Examiner argues in the Advisory action that claim 1 does not recite "an articulated device that is triggered after delivery." Claim 1 is a method claim that has a distinct first step of delivery to a location followed by a second step of positioning the tubular to create an annular space around. It couldn't be clearer that the tubular is positioned by something after delivery and that said something creates an annular space around it. The Examiner simply refuses to acknowledge this claim language.

Campbell discloses a collapsing bow spring centralizer 17 is used to position the pipe as it is being delivered. When the pipe hits bottom a jar force moves the swage and the centralizer is stated to collapse during the expansion of the tubular.

Contrary to the use of known bow spring centralizers that operate continuously as the tubing is delivered, claim 1 excludes such a passive device that operates during the delivery of the tubing. Rather, claim 1 literally includes an articulated device that can be triggered after the delivery of the tubing. Passive devices are out there constantly and

can't be articulated into position only after delivery of the tubular as expressly required in claim1. The Examiner has erred in holding claim 1 anticipated over Campbell.

The examiner clearly erred in rejecting claims 1 and 15 as anticipated by Chatterji USP 6,543,545. This reference describes in Column 4 Lines 19-27 a variety of passive centralizers 48 that can be used to position the pipe on its way down. This reference does not anticipate claim 1 for the exact same reasons given with respect to the Campbell reference above. Claim 1 requires the positioning to take place after delivery to the location not during delivery. For that reason claim 1 uses some device that can move the tubular to create the annular space after the tubular is in position. A passive centralizer, whether it is a bow spring as shown in Figure 1 referenced by the Examiner or other passive designs described in the reference in Column 4 cannot meet the requirement of claim 1. As to claim 15, a mechanical swage is illustrated in the Chatterji reference as opposed to expansion of the tubular with internal pressure as recited in the claim.

The Examiner clearly erred in combining Chatterji with Wilson USP 5,228,518 to reject claim 1 as obvious. Wilson does not use expansion and features positioning of the tubular after delivery with extending pistons. The base reference Chatterji uses a passive centralizer such as a bow spring design 48 that passively centralizes on the trip downhole and collapses on expansion of the underlying tubular. The extending pistons of Wilson use snap rings to prevent them from going back in after they are extended. There is no basis to combine these references that clearly teach away from each other. One uses a passive centralizer that operates all the way down the borehole while the other has active pistons that are retracted for run in and deployed only after delivery. Those positioning devices are not compatible and work differently. One flexes passively on the way in and does nothing on arrival at the desired depth and the other inoperative on the way in and is locked in the extended position after delivery to the desired depth. Additionally Wilson doesn't contemplate expansion while Chatterji focuses on expansion. Hence Chatterji provides a collapsing and passive centralizer to accommodate expansion while Wilson is more interested in creating an annular space to get proper cementing and has no interest in expansion. For that reason his snap ring design to prevent the extended pistons from going back in can be so light duty because there is no expansion contemplated. These references are addressing disparate issues downhole with different equipment and hardly

suggest any realistic way to pick and choose some components from one and insert them into the other when their modes of operation diverge so completely.

Furthermore, Chatterji uses an externally mounted passive device while contemplating collapse of said device during expansion. He does not use openings in the tubular. Wison's pistons to centralize for good cementing have been known for years for that purpose. They don't contemplate collapse because they lock once extended. Despite the existence of passive centralizers such as Chatterji and Wilson's pistons through openings there is no art that suggests using Wilson's pistons in a context of expansion of the tubular. The fact that discrete elements in discrete devices for different purposes exist does not meet the Examiner's burden to show that any motivation exists to make the claimed

The Examiner clearly errs in relying on Maguire 2003/0047322 to reject claim 1 as obvious. Maguire shows swage expansion of one tubular inside another with no use for centralizers or any positioning of the tubular after delivering it. The reason is the inner tubular is fully expanded into the surrounding tubular. This design has no need for creating an annular space for any purpose after delivery. It simply expands the inner tubular from within no matter how it sits initially in the surrounding tubular. The expansion is concluded when the inner tubular has been expanded fully against its surrounding tubular. The Examiner supposes two things about this reference. First is that the delivering equipment would do a positioning function for the inner tubular when that conclusion is not supported by the Maguire specification. Secondly, the Examiner suggests that positioning the tubular after running it into a surrounding tubular would even matter when the inner tubular is plastically deformed to a bigger diameter than the initial inside diameter of the outer tubular. In other words, this reference uses a method that has no need for positioning after delivery and therefore it fails to render claim 1 obvious where claim 1 envisions performing steps that are not stated or not needed to perform the Maguire method.

Allowance of the remaining claims is respectfully requested.

August 3, 2005

Respectfully submitted,

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CERTIFICATE OF MAILING 37 CFR 1.10

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Tracie Thigpen